

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-21 remain in the application. Claims 1-12 have been withdrawn.

In item 3 on pages 2-5 of the above-mentioned Office action, claims 13-14, 16-17, and 20-21 have been rejected as being anticipated by Saeki (US 6,717,252 B2) under 35 U.S.C. § 102(e).

In item 5 on pages 5-6 of the above-mentioned Office action, claim 15 has been rejected as being unpatentable over Saeki and further in view of Butler (US 6,392,304 B1) under 35 U.S.C. § 103(a).

In item 6 on page 6 of the above-mentioned Office action, claims 18-19 have been rejected as being unpatentable over Saeki and further in view of Khiang et al. (US 2003/0197284 A1) under 35 U.S.C. § 103(a).

Enclosed please find a Declaration under 37 CFR 1.131 together with a copy of the "Invention Disclosure" ("Erfindungsmeldung"), a report of the invention by the

inventors prepared on **June 6, 2002**, which date is before the effective date **September 6, 2002** of Saeki. An English translation of the Invention Disclosure is also enclosed.

The document Saeki is therefore not available as a prior art reference for the instant application. Therefore, Applicants respectfully submit that the Section 102 and Section 103 rejections on pages 2-6 of the Office action are now moot.

It is noted that a claim for priority and a certified copy of the priority document were filed September 24, 2003. In order to perfect the priority of the instant application, a certified English translation of the priority German application 102 44 664.4, filed **September 24, 2002**, is enclosed herewith.

Further, it is noted the reference Khiong et al. is unavailable as prior art because the priority date **September 24, 2002** of the instant application is before the effective date **February 11, 2003** of Khiong et al.

In view of the foregoing, reconsideration and allowance of claims 13-21 are solicited. Rejoinder of method claims 1-12 is requested upon allowance of product claims 13-21 under MPEP 821.04 ("if applicant elects claims directed to the product,

and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined").

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$450.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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